

## Section 4.0

### Effects Found Not to Be Significant

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California Public Resources Code Section 21003(f) states, “It is the policy of the state that...all persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment.” This policy is reflected in California Environmental Quality Act (CEQA) Guidelines Section 15126.2(a), which states that “an EIR [environmental impact report] shall identify and focus on the significant impacts of the proposed project on the environment,” and Section 15143, which states that “the EIR shall focus on the significant effects on the environment.” As stated in Section 15128 of the CEQA Guidelines, “An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.”

In the course of evaluation, certain impacts were found not to be significant (no impact) or to be less than significant because the characteristics of the proposed project would not result in such impacts. This section briefly describes such effects. However, other individual impacts found to be less than significant are evaluated in the various EIR sections ([Sections 3.1](#) through [3.14](#)) to more comprehensively discuss why impacts are less than significant in order to better inform decision-makers and the general public.

#### **4.1 AGRICULTURE AND FORESTRY RESOURCES**

*a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?*

The California Department of Conservation (DOC) operates a Farmland Mapping and Monitoring Program (FMMP) that maps and collects statistical data on the state’s agricultural resources. Agricultural land is rated according to soil quality and irrigation status, with the best quality land called Prime Farmland. Maps are updated every two years, with current land use information gathered from aerial photographs, a computer mapping system, public review, and field reconnaissance. The DOC Prime Farmlands, Farmlands of Statewide Importance, and Unique Farmlands are referenced in CEQA Guidelines Appendix G as resources to consider in an evaluation of agricultural impacts.

According to available data from the FMMP, the entire project site is designated as Unique Farmland which indicates land that generally contains lesser quality soils, but has supported crops at some time during the four years prior to the mapping date (DOC, 2020). This land is

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**4.0 Effects Found Not to Be Significant**

usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California.

Contrary to the requirements of a Unique Farmland designation, it should be noted that the site has not supported crops during the past four years. While the project site has long supported agricultural uses as described in the Phase 1 ESA ([Appendix J](#)), such uses have predominately been the growing of above-ground potted plants and not in-ground crops as suggested by the definition of Unique Farmland. As a result, the proposed project does not meet the DOC's definition of Unique Farmland, and therefore would not convert Unique Farmland to nonagricultural use.

The project site is located within the Sidonia East Planning Area of the Encinitas Ranch Specific Plan and is zoned for Multi-Family Residential (ER-R-30) and Agriculture, which is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the HEU. The proposed project would include an organic farm located on approximately 5.5-acres identified as Parcel 4. This farm operation would be subsidized by the residential component of the project, and would in turn provide for produce sales at the farm stand and is envisioned to supply the on-site restaurant with fresh produce. Further, the Specific Plan states the proposed "agrihood" concept, with the development of between 246 and 296 residential units, is consistent with the goals of the Specific Plan for the proposed site. As stated in the HEU's amendment to the Encinitas Ranch Specific Plan (Case No. 17-128), "The Agricultural Zone provisions of the Specific Plan encourage the continued agricultural use of portions of the Specific Plan area and the provision of a 'favorable setting' in which to continue agricultural operations. The 'agrihood' concept proposed with the project would allow for the continued viability of an agricultural business on the site," along with agriculture-related uses and amenities. Further, the HEU amended Encinitas Ranch Specific Plan Policy 29.3 to add "In instances where continued agricultural use is no longer feasible, encourage sensitive residential development that allows for the continued viability of an agricultural business on the site." The proposed project has been designed to support the operation of ongoing agricultural uses through the provision of a subsidy payment to the farm operator.

The City is responsible for the issuance of Coastal Development Permits within the Coastal Zone, excluding submerged lands, tidelands, or public trust lands. Relative to the City's Local Coastal Program (LCP), subsequent to the City's approval of the HEU, the City processed a LCP Amendment to update the City's LCP to include the 15 HEU sites.

Coastal Act Section 30242 provides that "All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development

consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.”

On September 11, 2019, the HEU was approved by the California Coastal Commission. Specific to the proposed agrihood concept, the Coastal Commission found that

*...the Encinitas LUP has particular policies in place to protect agricultural uses. The Encinitas Ranch Specific Plan was created to carry out the LCP for the Ecke Ranch property and surrounding area and has particular policies in place that designate certain areas where affordable housing will potentially be sited. The LUP updates include modifications to several policies in order to account for the ER-R-30 Overlay Zone. Policy 24.3 will be modified to include the Sidonia East area, where the Echter Property is located. Policy 24.3 will also be modified so that the Sidonia East area is included as one of the neighborhoods that will consider the use of progressive density and increased building heights. Finally, Policy 29.3 is proposed to be amended. It currently states that new residential development will be located and clustered to avoid inhibiting continued agricultural use of the land and should be sited adjacent to existing development. This LUP amendment will add language that in those instances where continued agricultural use is no longer feasible, sensitive residential development that allows for the continued viability of an agricultural business on the site shall be encouraged.*

*Indeed, while the R-30 Overlay zone [would] allow for the conversion of land currently in agriculture, land use conflicts [would] be minimized in accordance with Section 30242 of the Coastal Act. Through development of an agrihood, the site will be allowed to stay in agricultural use in conjunction with development that allows for affordable housing. In this way, conversion would be limited while also allowing for the City to meet its RHNA allotment. While not reflected in the land use designation, the agrihood concept would transform the agricultural portion of the site to a more traditional open field agricultural use and aesthetic, as opposed to the many greenhouses currently on-site.*

*Moreover, the partial conversion of the [project site] is compatible with surrounding land uses, as it marks a transitional boundary between more highly developed (i.e. residential) uses to the west and south, and less intensive uses to the north and east. The North Mesa Planning Area to the east of the Echter site and on the east side of Quail Gardens Drive is designated for golf course uses. Also, south of the Echter site and on the south side of Leucadia Boulevard, properties are designated for residential uses (at a density of 5 dwelling units per acre). To the north of the site is the Magdalena Ecke Park area, with a mix of agricultural, residential, and open space land uses north of the park area. In this way, the conversion of lands concentrates development by completing a logical and viable neighborhood and contributing to the establishment of a stable limit to urban*

*development. Because of this mix of land uses, the subject site can be found to be consistent with Section 30242 of the Coastal Act in concentrating development.*

For these reasons, land use conflicts within the R-30 Overlay zone, in which the proposed project is located, would be minimized in accordance with Section 30242 of the Coastal Act and as such, the CCC found the City's HEU is consistent with the relevant policies of the CCC. As such, the proposed project would not conflict with any land use plan, policy, or regulation adopted by the CCC.

Therefore, as the project site does not meet the definition of Unique Farmland and because the conversion of agriculture land would support the agrihood concept, which is consistent with the General Plan, Zoning Map, LCP, and the provisions of the HEU, impacts would be **less than significant**.

*b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Refer to Response 4.1a), above. None of the lands affected by the proposed project are subject to a Williamson Act contract (CDC 2020).

Additionally, the project site is located within the Sidonia East Planning Area of the Encinitas Ranch Specific Plan and is zoned for Multi-Family Residential (ER-R-30), which is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the HEU. The Specific Plan states the proposed "agrihood" concept, with the development of between 246 and 296 residential units, is consistent with the goals of the Specific Plan for the proposed site. Therefore, **no impact** would occur.

*c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*

The City does not support any lands zoned as forestland or timberland. Therefore, implementation of the proposed project would not conflict with existing zoning for, or cause rezoning of, any forestland or timberland. **No impact** would occur.

*d) Result in the loss of forestland or conversion of forestland to non-forest use?*

The City does not contain any forestlands. Therefore, implementation of the proposed project would not result in the loss or conversion of forestland to non-forest use and would not otherwise adversely impact forestland in the area. **No impact** would occur.

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use?*

Refer to Responses 4.1a) and 4.1c), above. The project site currently operates as a commercial agricultural operation; however, the site has already been re-zoned through the 2019 HEU. Any subsequent action undertaken by the City to re-zone other agricultural sites would be separate and unrelated to the proposed project, and would be required to comply with any applicable CEQA-requirements to be analyzed at that time.

Further, the proposed project would construct an “agrihood” that would include agricultural operations in addition to residential and public and private active and passive recreational uses. Approximately 5.5 acres in the northern portion of the project site would remain in agricultural use as an organic farm (including appurtenant structures). Existing land uses on surrounding properties are predominantly residential. Lands surrounding the project site do not support designated Farmland or forestland. Therefore, the proposed project would not involve changes in the existing environment that would result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use. Impacts would be **less than significant**.

## 4.2 MINERAL RESOURCES

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

According to the California Department of Conservation (Division of Mine and Geology), the project site, along with the majority of lands in the City of Encinitas, is designated as Mineral Resource Zone 3 (MRZ-3), which indicates an area containing mineral deposits the significance of which cannot be evaluated from available data (CDC 1996). No known mineral resource recovery sites occur or are designated within or adjacent to the project site, including in the City’s General Plan. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. Impacts would be **less than significant**.

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

The project site is not in an area designated for locally important mineral resources and is not utilized for mineral resource production. As such, the proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. There would be **no impact**.

### 4.3 POPULATION AND HOUSING

a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The project site is one of 15 sites included in the City of Encinitas Housing Element Update, which was adopted by the City of Encinitas on March 13, 2019. As part of the approvals, the project site was designated with an R-30 overlay (maximum 30 dwelling units per net acre) and allocated a minimum of 246 units and a maximum of 296 units. As part of the HEU, the City provided a revised housing forecast to SANDAG. The proposed project is consistent with the City's General Plan, Local Coastal Program, Housing Element, Zoning Ordinance, and Encinitas Ranch Specific Plan because it proposes 250 homes, which is within the range identified under the Housing Element Update.

Therefore, the proposed project would not directly induce unplanned growth, as detailed in the HEU. Further, the project site is surround by development to the west and south (residential uses), a golf course to the east, and preserve open space to the north, and would not induce substantial indirect growth through the extension of roads and other infrastructure as analyzed in Section 6.3, Growth Inducing Impacts. The site would be developed consistent with the identified housing unit allowances, and no change to the existing General Plan land use designation or zoning classification is required to allow for the project as proposed.

As shown in Table 4.3-1, the City's population is expected to be 62,829 in 2020 and 66,178 in 2050. Based on the person per household estimate of 2.51, the proposed project would support a population of 628 people ( $2.51 \times 250$  residential units). Therefore, the proposed project would represent approximately a one percent increase to the 2020 population and a less than a percent increase of the projected 2050 population (City of Encinitas 2019b).

Total housing units in the City is expected to be 26,131 in 2020 and 27,667 in 2050. The proposed project would represent approximately a one percent increase to the 2020 and 2050 housing units.

**Table 4.3-1 Population and Housing Projections**

Unit	Estimated		Forecasted		Change from 2016 to 2035	
	2016	2020	2035	2050	Numeric	Percent
Total Population	61,928	62,829	64,718	66,178	2,790	4.3
Person per Household	2.51	2.51	2.51	2.51	0	0
Total Housing Units	25,920	26,131	26,633	27,667	713	2.7

Source: City of Encinitas Housing Element Update, 2019b

Therefore, the proposed project would not induce substantial unplanned population growth, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure) because the proposed project is included in the planned growth outlined in the HEU. Impacts would be **less than significant**.

*b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The proposed project would displace one existing housing unit on the project site at the intersection of Leucadia Boulevard and Sidonia Street. The property owner is willfully selling the property to the project applicant for fair market compensation. The demolition of one existing home does not constitute a substantial number of existing people or housing, and would not necessitate the construction of replacement housing elsewhere. As such, the proposed project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. There would be **no impact**.

#### 4.4 WILDFIRE

*If located in or near state responsibility areas or lands classified as very high hazard severity zones, would the project:*

*a) Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The project site is located in a developed urban area surrounded by residential uses, open space, and a golf course. According to the Cal Fire Encinitas Fire Hazard Severity Zone Map (Cal Fire 2009), the northern portion of the project site is located in a zone designated as Very High Fire Hazard Severity likely due to its adjacency to open space.

Emergency response and evacuation is the responsibility of the City of Encinitas Fire Department. The County of San Diego maintains the San Diego County Emergency Operations Plan, which was approved in 2018 (San Diego County 2018b). The Emergency Operations Plan is used by agencies that respond to major emergencies and disasters, including those related to environmental health.

During construction, materials would be placed within the project boundaries adjacent to the current phase of construction to avoid any access conflicts in case of emergency evacuations. Primary access to the site for vehicles would be provided at approximately the existing access point along Quail Gardens Drive. Emergency access would be provided from Sidonia Street. Activities associated with the proposed project would not impede the free movement of emergency response vehicles. Existing off-site roadways would be adequate to serve the development for purposes of emergency evacuation in the event of a wildfire. The proposed project would not interfere with the San Diego County Sheriff's Department's ability to safely

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**4.0 Effects Found Not to Be Significant**

evacuate the area in the event of an emergency (see Section 3.7, Hazards and Hazardous Materials; Section 3.11, Public Services and Recreation; and Section 3.12, Transportation). Additionally, the proposed project has been designed in compliance with City Fire Department access and design requirements related to fire prevention and subject to approval by the City's Planning Division.

Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Impacts would be **less than significant**.

*b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

The project site is generally flat and does not support areas of steep slopes. However, a portion of the project site is designated as being in the Very High Fire Hazard Severity Zone, with undeveloped open space (Magdalena Ecke Open Space Preserve) to the north. The proposed project has been designed to buffer the on-site residential development from these areas (which may be at greater risk for wildfire occurrence) with the proposed farming and agricultural-related uses (see [Figure 3-3, Site Plan](#)). Furthermore, as stated in the Fire Protection Plan Exemption letter ([Appendix S](#)), residential structures would be located much further than the typical 100-feet required for a fuel modification zone (refer to [Figure 2.0-2, Vicinity Map](#)). Due to this distance and because the site is surrounded by development to the west, south, and east, the preparation of a Fire Protection Plan is not required.

Additionally, comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would be implemented for the proposed project. These measures would minimize the occurrence of fire during construction and for the life of the proposed project.

During occupancy and operations, the proposed project may introduce potential ignition sources including vehicles, gas- or electric-powered small hand tools (i.e., for maintenance), and standard substances used for routine household cleaning and landscaping maintenance; however, such conditions are not anticipated to exacerbate wildfire risks or increase the risk of exposure of residents to pollutant concentrations.

A loop trail is proposed to provide a walking pathway with fitness nodes around the perimeter of the project site, including along the northern property boundary near the preserve area. While this loop trail would increase potential human activity near the Magdalena Ecke Open Space Preserve, the trail would not provide for access into the Preserve, and would be signed with appropriate signage prohibiting access to the Preserve, thus limiting the potential for human intrusion and potential source(s) of fire ignition. Further, a fence would be constructed along the



northern side of the loop trail to further discourage potential intrusion into the open space preserve area.

The proposed project would be constructed in compliance with access and design requirements of the City of Encinitas Fire Department (conditions of approval) and would be subject to payment of public safety services impact fees (see Section 3.11, Public Services and Recreation) to ensure risks from wildfire are minimized. Therefore, the proposed project is not anticipated to exacerbate wildfire risks or otherwise expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be **less than significant**.

*c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Refer to 4.4 b). Primary access to the site would be provided at approximately the existing access point along Quail Gardens Drive. Emergency access would be on Sidonia Street at approximately the location of an existing (but not currently utilized) access point for the property. The project proposes a series of on-site private driveways and alleyways ranging in width from 20 to 26 feet. No new off-site roadways are proposed with the project. One existing roadway, Sidonia Street, would be widened to full-width improvements per the City of Encinitas Engineering Manual; however, existing off-site roadways would be adequate to serve the development for purposes of emergency evacuation in the event of a wildfire.

San Diego Gas & Electric (SDGE) currently provides electrical service to the project site. All existing and future on-site utilities (electrical lines) would be undergrounded with the proposed project improvements. Public water service for the project would be provided by the San Dieguito Water District. Water utilities improvements would include connections to the public water system and have been designed to achieve the applicable fire flow requirement of 1,500 gallon per minute. None of the infrastructure improvements proposed are anticipated to exacerbate fire risk, and all potential temporary or ongoing effects on the environment resulting with such improvements have been evaluated in Sections 3.1 to 3.14 of this EIR.

The project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be **less than significant**.

*d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Existing site topography is generally flat with slopes ranging from 0 to 5 percent. Because the project site and surrounding lands are relatively flat, the risk of landslide hazards is considered

**4.0 Effects Found Not to Be Significant**

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low (see Section 3.6, Geology and Soils). Additionally, the proposed project has been designed to retain and treat stormwater runoff on-site and would not result in an increase in rate or quantity of runoff post-construction as compared to existing drainage conditions (see Section 3.8, Hydrology and Water Quality).

The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be **less than significant**.